UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 September 2003*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-54* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-54* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *30 September 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/26/03,03/01/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This is the First Office Action based on application 10/676429 filed September

30, 2003. As originally filed, Claims 1-54 are presented for examination.

2.   Preliminary Amendment received March 31, 2005 to Paragraph [0007] to correct

the filing date of application number 10/448249 has been accepted.

Information Disclosure Statement

1.   The information disclosure statement filed March 1, 2004 fails to comply with 37

CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered.

Claim Objections

3.   Claim 23 objected to because of the following informalities: Claim 23 (method

claim) is stated as dependent from the method of Claim 8 (apparatus claim). Two

different categories of invention may not be stated in the same chain of claim

dependency. For the purpose of this Office Action, Claim 23 will be treated as

dependent from Claim 22; as this seems to have been the Applicants intention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.   Claims 1-54 are rejected under 35 U.S.C. 102(e) as being anticipated by

Zimmers et al. US Patent (6,816,878 B1), hereinafter "Zimmers."

6.   In regards to Claims 15 and 49, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers (network of computers

connected by computer network connection 102, as shown in Fig. 1), a method for

determining an appropriate set of addresses to which to distribute an alert (Fig. 4A

through Fig. 4H), the method comprising:

        maintaining a directory of alert gateways (Fig. 4B and Fig. 4E, as

    described in Col. 18 Lines 22-67 and Col. 20 Lines 1-14), the directory

    comprising a plurality of directory entries (this limitations is met because multiple

    persons are intended to receive alert notifications, as disclosed in Zimmer

Abstract and, therefore, a directory entry would be required for each user or household), each directory entry being associated with a particular alert gateway and comprising at least one gateway characteristic associated with that alert gateway (subscriber information table 184 of Fig. 3C with: Fields 200 - 206 ["alert gateway database entry"], such as, customer number, caller ID, Email, or IP address, and Fields 208 - 232 ["gateway characteristic"], such as ZIP code, latitude and longitude, or the special needs of a user), the gateway characteristic including information to enable the alert distribution device to determine whether a given alert should be transmitted to the alert gateway (Fields 208 - 232, as described in Col. 14 Lines 25-66);

maintaining a distribution address associated with each of the alert gateways, the distribution address for a particular alert gateway providing sufficient identifying information about that alert gateway to allow an alert to be transmitted to the alert gateway (Fig. 4B and Fig. 4E, as described in Col. 18 Lines 22-67 and Col. 20 Lines 1-14);

associating the at least one gateway characteristic for a particular alert gateway with the distribution address for that particular alert gateway (data describing the subscriber in elements 184, 186, 188, 190, 192, and 194 are commonly linked by customer number/identifier shown as elements 200, 260, 320, 330, 350, and 360 respectively, As described in Col. 14 Lines 3-24; these tables are generated using the processes of Fig. 4B and Fig. 4E, as described in Col. 18 Lines 22-67 and Col. 20 Lines 1-14);

receiving an alert, the alert having associated information about the alert

(Figs. 4A, 4B, and 4D show the processes for receiving an alert notification from

various sources. For example, from Emergency Managers Weather Information

Network (EMWIN) of Fig. 4A, as described in Col. 17 Lines 53-67 and Col. 18

Lines 1-21; with additional reference to Fig. 2 showing additional information

transmitted with the alert.);

identifying, based on the information about the alert, a set of selection

criteria for determining which of the plurality of alert gateways should receive the

alert (Fig. 4F, decision block 532 "Determine Type of Notification", as described

in Col. 20 Lines 21-25; with further reference to the "patter matching and parsing"

aspects of Fig. 4A, as described in Col. 18 Lines 4-21);

searching the directory for at least one directory entry comprising a

gateway characteristic corresponding to the identified selection criteria

(depending on the nature of the alert received, one of Figs. 5B, 6B, 7B, 8B, 9B,

10B, or 11 is performed in which a particular subscriber characteristic is use to

determine if the alert should be sent to the individual, such as counties and zip

codes in reference to Fig. 5B. The act of searching needs to be performed in

order to determine the subscribers who meet the selection criteria); and

identifying, based on the search, a set of at least one distribution address

that should receive the alert, each member of the set of distribution addresses

being associated with a directory entry comprising a gateway characteristic that

corresponds to the identified selection criteria (step 620 database query system

112 retrieves all station identifiers of subscribers with matching criteria to the

information contained in the alert).

7.   In regards to Claim 16, Zimmers teaches the method of Claim 15, wherein the at

least one gateway characteristic associated with each of the alert gateways comprises

information about the geographic location of the alert gateway (selected data entries of

Fig. 3C, such as Latitude, Longitude, Elevation, Postal Zip Code, or Physical Address,

as described in Cols. 14-16 and Col. 17 Lines 1-52).

8.   In regards to Claim 17, Zimmers teaches the method of Claim 16, wherein the

information about the alert comprises geographic information about a geographic area

to which the alert pertains, such that subscribers outside the geographic area would be

relatively unlikely to be interested in receiving the alert (alert notification of Fig. 2, which

contains county information 124 and town information 122, as described in Col. 8 Lines

42-67 and Col. 9 Lines 1-3).

9.   In regards to Claim 18, Zimmers teaches the method of Claim 15, wherein the

directory entry for each alert gateway comprises information about a distribution

address for that alert gateway (subscriber information table 184 contains information

regarding ANI (Caller ID), Email, and TCP/IP, which are associated with a telephone

number, email address, or Internet Protocol address respectively), and wherein

maintaining a distribution address associated with each of the alert gateways comprises

maintaining the information about the distribution address (Fig. 4B and Fig. 4E, as

described in Col. 18 Lines 22-67 and Col. 20 Lines 1-14).

10.   In regards to Claim 19, Zimmers teaches the method of Claim 15, wherein the

directory of alert gateways comprises a first database (tables of Fig. 3 are stored in

database server 104, as disclosed in Col. 13 Lines 20-25).

11.   In regards to Claim 20, Zimmers teaches the method of Claim 19, wherein the

distribution address associated with each of the alert gateways are maintained in a

second database (database query system 112 generates packet data containing the

information shown in TABLE III of Col. 12. The packet data is sent to an intended

destination based on the "Station ID" and "Station ID Type", as described in Col. 12

Lines 32-67 and Col. 13 Lines 1-19).

12.   In regards to Claim 21, Zimmers teaches the method of Claim 15, wherein the at

least one gateway characteristic associated with an alert gateway comprises

information selected from the group consisting of the area code in which the alert

gateway is located, the ZIP code in which the alert gateway is located, the latitude and

longitude coordinates of the alert gateway, the Global Positioning System coordinates of

the alert gateway, demographic information about a subscriber associated with the alert

gateway, and information about subscriber preferences held by a subscriber associated

with the alert gateway (subscriber information table of Fig. 3C, as described in Cols. 14-

16 and Col. 17 Lines 1-52).

13.   In regards to Claim 22, Zimmers teaches the method of Claim 15, wherein the

alert comprises urgent public information (Zimmers discloses various applications of the

alert system, some examples of which are disclosed in Col. 11 Lines 10-18).

14.   In regards to Claim 23, Zimmers teaches the method of Claim 22, wherein the urgent public information is selected from a group consisting of an Emergency Alert System transmission, an Amber Alert, a severe weather notification, and a Homeland Security Advisory notification (in addition to the examples cited in reference to Claim 22, a specific application is shown in Fig. 2 regarding an alert sent by the National Weather Service (NWS), as described in Col. 8 Lines 30-67 and Col. 9 Lines 1-12).

15.   In regards to Claim 24, Zimmers teaches the method of Claim 15, wherein the information about the alert is incorporated within the alert (the alert transmitted from the NWS is transmitted using the ENWIN data stream, which is an alphanumeric text based system, as disclosed in Col. 8 Lines 30-41, so all information transmitted would be part of the data stream and therefore part of the alert).

16.   In regards to Claim 25, Zimmers teaches the method of Claim 15, wherein the alert information about the alert is additional to the alert ("the body of the NWS message may also be inserted into a facsimile message, sent as an electronic mail message, read via a computer-generated voice over the telephone, or forwarded to a text pager", as disclosed in Col. 9 Lines 4-7, these communications would require additional information to be added to the text data of the NWS data stream in order to be transmitted, for example, as an email notification).

17.   In regards to Claim 26, Zimmers teaches the method of Claim 15, further comprising extracting from the alert the information about the alert (data parsing process shown in Fig. 4A, as described in Col. 17 Lines 53-67 and Col. 18 Lines 1-21).

18.   In regards to Claim 49, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers (network of computers

connected by computer network connection 102, as shown in Fig. 1), a method for

determining an appropriate set of addresses to which to distribute an alert (Fig. 4A

through Fig. 4H), the method comprising: transmitting the alert to a set of alert

gateways, each member of the set of alert gateways being associated with a member of

the set of distribution addresses (by way of network communications 102, an alert may

be transmitted by telephone and facsimile, electronic mail, or other Internet

communications methodologies ["gateways"], as disclosed in Col. 12 Lines 22-31.

These gateways are uniquely identified by "Station ID type" and each recipient of an

alert is identified by a "station ID" as described in Col. 12 Lines 56-67 and Col. 13 Lines

1-4). The remaining limitations of Claim 49 have been addressed with reference to the

method of Claim 15.

19.   In regards to Claim 50, Zimmers teaches the method of Claim 49, wherein at

least one of the plurality of alert gateways is incorporated within a network interface

device ("Telephone and facsimile alerts are delivered to subscribers through a switch

host computer 130 and a host controllable switch 132", as disclosed in Col. 11 Lines 34-

48, therefore the telephone or facsimile ["alert gateway"] is connected to host

controllable switch ["network interface device"] which is incorporated with the alert

distribution system as shown in Fig. 1).

20.   In regards to Claim 51, Zimmers teaches the method of Claim 49, wherein at

least one of the plurality of alert gateways is in communication with a network interface

device (notification parsing system 106 receives alert notifications from radio transmitter

111 or satellite 109, as disclosed in Col. 6 Lines 45-64).

21.   The limitations of Claim 52 have been addresses with reference to Claim 49 and

Claim 21.

22.   The limitations of Claim 53 have been addresses with reference to Claim 49 and

Claim 22.

23.   The limitations of Claim 54 have been addresses with reference to Claim 49,

Claim 22, and Claim 23.

24.   In regards to Claim 1, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers (network of computers

connected by computer network connection 102, as shown in Fig. 1), a device for

determining an appropriate set of addresses to which to distribute an alert (database

query system 112, as described in Col. 11 Lines 27-33), the device comprising: at least

one interface member in communication with a communication network (data base

query system 112 is in communication with at least web server 114 and IVR system

116, as described in Col. 7 Lines 2-7, therefore database query system contains an IP

network interface); a processor in communication with the at least one interface

member (database query system 112 may also "instruct web server 114 to deliver the

alert notification", as disclosed in Col. 12 Lines 22-31); and a storage medium in

communication with the processor (database query system 112 performs comparisons,

such as that of Fig. 4F, which require known data, such as Table III, therefore database

query system 112 must contain a storage medium), the storage medium comprising

instructions executable by the processor to perform the method of Claim 15 (see the

analysis of Claim 15 for references to these limitations).

25.   The limitations of Claim 2 have been addresses with reference to Claim 1 and

Claim 16.

26.   The limitations of Claim 3 have been addresses with reference to Claim 1, Claim

16, and Claim 17.

27.   The limitations of Claim 4 have been addresses with reference to Claim 1 and

Claim 18.

28.   The limitations of Claim 5 have been addresses with reference to Claim 1 and

Claim 19.

29.   The limitations of Claim 6 have been addresses with reference to Claim 1, Claim

19, and Claim 20.

30.   The limitations of Claim 7 have been addresses with reference to Claim 1 and

Claim 21.

31.   The limitations of Claim 8 have been addresses with reference to Claim 1 and

Claim 22.

32.   The limitations of Claim 9 have been addresses with reference to Claim 1 and

Claim 23.

33.   The limitations of Claim 10 have been addresses with reference to Claim 1 and

Claim 24.

34.   The limitations of Claim 11 have been addresses with reference to Claim 1 and

Claim 25.

35.   The limitations of Claim 12 have been addresses with reference to Claim 1 and

Claim 26.

36.   In regards to Claim 13, Zimmers teaches the device of Claim 1, wherein the

communication network is selected from a group consisting of a radio-frequency

transmission, a telephone network, a cable television distribution network, the Internet,

a fiber-optic network, a high-speed data network, a wireless network, and a microwave

network (as shown in Fig. 1, alert notification system 100 consists of communication

channels such as FM receiver 110, IP through web server 114, or public switched

telecommunications network 136).

37.   In regards to Claim 14, Zimmers teaches the device of Claim 1, wherein the

communication network is a plurality of communication networks and wherein, for a

particular distribution address, the device is configured to select the most appropriate

communication network via which to transmit the alert information to the particular

distribution address (as shown in Fig. 1, alert notification system 100 consists of

communication channels such as FM receiver 110, IP through web server 114, or

public switched telecommunications network 136. In addition, database query system

112 can determine the appropriate transmission channel using the process of Fig. 4F,

as described in Col. 20 Lines 15-65).

38.   In regards to Claim 27, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers, a system for distributing an

alert to an appropriate set of subscribers (alert notification system 100 of Fig. 1), the

system comprising: a plurality of alert gateways configured to receive an alert, each of

the plurality of alert gateways being associated with at least one subscriber (alerts may

be received by interactive response system 116, by way of an Internet connection, as

disclosed in Col. 11 Lines 27-33; and alert notifications may be delivered by way of

telephone, facsimile, electronic mail, or other Internet communications, as disclosed in

Col. 12 Lines 22-31. In addition, subscriber information table 184 relates the subscriber

information with the alert gateway characteristics, as disclosed in Col. 13 Lines 61-67);

a communication network in communication with the plurality of alert gateways

(computer network connection 102, as described in Col. 6 Lines 36-67 and Col. 7 Lines

1-6); and an alert distribution device in communication with the communication network

(database query system 112, as described in Col. 8 Lines 24-29), the alert distribution

device comprising (the elements of database query system 112 have been addressed

with reference to Claim 1): at least one interface member in communication with the

network; a processor in communication with the at least one interface member; and a

storage medium in communication with the processor, the storage medium comprising

instructions executable by the processor to perform the method of Claim 49 (see the

analysis of Claim 49 for references to these limitations).

39.   The limitations of Claim 28 have been addresses with reference to Claim 27 and

Claim 16.

40.   The limitations of Claim 29 have been addresses with reference to Claim 27,

Claim 16, and Claim 17.

41.   The limitations of Claim 30 have been addresses with reference to Claim 27 and

Claim 18.

42.   The limitations of Claim 31 have been addresses with reference to Claim 27 and

Claim 19.

43.   The limitations of Claim 32 have been addresses with reference to Claim 27 and

Claim 20.

44.   The limitations of Claim 33 have been addresses with reference to Claim 27 and

Claim 21.

45.   The limitations of Claim 34 have been addresses with reference to Claim 27 and

Claim 50.

46.   The limitations of Claim 35 have been addresses with reference to Claim 27 and

Claim 51.

47.   The limitations of Claim 36 have been addresses with reference to Claim 27 and

Claim 22.

48.   The limitations of Claim 37 have been addresses with reference to Claim 27,

Claim 22, and Claim 23.

49.   The limitations of Claim 38 have been addresses with reference to Claim 27 and

Claim 24.

50.   The limitations of Claim 39 have been addresses with reference to Claim 27 and

Claim 25.

51.   The limitations of Claim 40 have been addresses with reference to Claim 27 and

Claim 26.

52.   The limitations of Claim 41 have been addresses with reference to Claim 27 and

Claim 13.

53.   The limitations of Claim 42 have been addresses with reference to Claim 27 and

Claim 14.

54.   In regards to Claim 43, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers, a system for distributing an

alert to an appropriate set of subscribers (alert notification system 100 of Fig. 1), the

system comprising: a plurality of alert gateways configured to receive an alert, each of

the plurality of alert gateways having a geographic location (alerts may be transmitted to

various geographic areas, such as 140, 142, 144, 146, 148, and 150, as described in

Col. 11 Lines 49-62), and each of the plurality of alert gateways being associated with at

least one subscriber (alerts may be received by interactive response system 116, by

way of an Internet connection, as disclosed in Col. 11 Lines 27-33; and alert

notifications may be delivered by way of telephone, facsimile, electronic mail, or other

Internet communications, as disclosed in Col. 12 Lines 22-31. In addition, subscriber

information table 184 relates the subscriber information with the alert gateway

characteristics, as disclosed in Col. 13 Lines 61-67); a network configured to provide

communication with the plurality of alert gateways (computer network connection 102,

as described in Col. 6 Lines 36-67 and Col. 7 Lines 1-6); and an alert distribution device

in communication with the communication network (database query system 112, as

described in Col. 8 Lines 24-29), the alert distribution device comprising: at least one

interface member in communication with the network; a processor in communication

with the at least one interface member; and a storage medium in communication with

the processor (the elements of database query system 112 have been addressed with

reference to Claim 1), the storage medium comprising instructions executable by the

processor to perform the method of Claims 17 and 49 (see the analysis of Claims 17

and 49 for references to these limitations).

55.   The limitations of Claim 44 have been addresses with reference to Claim 43 and

Claim 34.

56.   The limitations of Claim 45 have been addresses with reference to Claim 43 and

Claim 35.

57.   The limitations of Claim 46 have been addresses with reference to Claim 43 and

Claim 22.

58.   The limitations of Claim 47 have been addresses with reference to Claim 43,

Claim 22, and Claim 23.

59.   The limitations of Claim 48 have been addresses with reference to Claim 43 and

Claim 21.

Conclusion

60.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure, as listed below.

61.   Stevens US Patent (6,745,021 B1) teaches a system and method of alerting a

mobile subscriber about an emergency. The system is capable of identifying the

geographic location of the emergency and then alerting users within the effected area of

the emergency.

62.   Grzeczkowski US Patent Application Publication (2004/0049785 A1) teach an

alert warning system and method contained in a set-top box, which is coupled to a

user's television and an Information Server. The Information Server contains profiles of

all users and, based on the user profiles, transmits custom alert messages to the user's

set-top box based on the profile of the user.

63.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PATRICK A. RYAN whose telephone number is

(571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am -

5:00pm EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
Tuesday, March 18, 2008

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623